Request For Variance State Form 51184 (12/02) Food Protection Proces

INDIANA STATE DEPARTMENT OF HEALTH

Telephone: 317/233-7360 FAX: 317/233-7334

Food Protection Program

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618 West Lincoln Avenue Goshen IN 46526 574-534-9590 574-534-7838

John Mc Carty

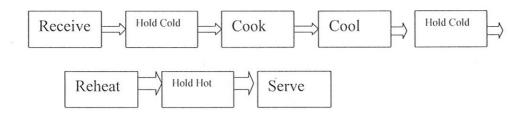
6. List how the proposal demonstrates the following (if applicable to the request): A) How the proposal differs from what is common and usual in similar industry situations: Our procedures meet federal code and are a common and practiced industry standard nationwide. B) How the proposal is unique and not addressed in existing rules of law:	nly accepted	
C) How the proposal does not diminish the protection of public health: 40 million meals served without incident.		
D) How the proposal is based on new scientific or technological principle(s): The supplement to the 2005 FPA food code dated October 5, 2 WE can use our process because we are preparing and consum E) How the implementation of the variance would be practical: 25 Seen on attached EXHIBIT C	2007 states ning on premises	
7. Explain how the person/organization seeking the variance will assure that all provisions of a granted variance will be enacted at each food establishment for which a variance has been granted: We have in the past and will continue to monitor, record and verify correct procedures of personal hygiene, time and temperature control, avoiding cross contamination and clearliness and Sanitation.		
8. List all affected parties known by the person/organization seeking a variance, including all affected regulatory authorities: (Attach additional pages if necessary)		
Elkhart (ounty Health Department		
Michael Hoover - Food Program Supervisor		
Jennifer Bradshaw - Inspector		
9. Attach copies of any related variances, waivers or opinions issued by other governmental agencies. 10. Signature of Individual Making Request: Victor A. Darmuell	For Office Use Only	
Printed Name, Title: VICKI S. FARMWALD		





June 2008 Handling procedures for batch preparation of chicken, taco meat, shredded beef

Flow Diagram



- 1. Receive the product: raw chicken (frozen), raw ground beef (fresh refrigerated), raw shredded beef (fresh refrigerated)
- 2. Hold under refrigeration (41°F or lower)
- 3. Cook in steam jacketed kettle (chicken reach 165°F for at least 15 seconds, ground beef reach 155° for at least 15 seconds, shredded beef reach 145° for at least 15 seconds)
- 4. Place 1 gallon of product in 2 gallon plastic bags
- 5. Heat seal bags
- 6. Date product
- 7. Properly cool product to 70°F within 2 hours and 41°F within the next 4 hours (using ice baths, freezer or blast chiller).
- 8. Hold under refrigeration (41°F or lower)
- 9. Reheat product to 165°F for at least 15 seconds by placing bags into boiling water in rethermalizer
- 10. Remove product from plastic bags and place in steam table pan
- 11. Hold in steam table at 135°F or higher
- 12. Serve
- 13. All food is used within 4 days of cooking (step 3) or it is discarded



botulinum is the causative agent of botulism, a severe food poisoning characterized by double vision, paralysis, and occasionally death. Sanitary safeguards must be employed to prevent reintroduction of pathogens. Chief among these is **Listeria monocytogenes**.

Clostridium botulinum is the causative agent of botulism, a severe food poisoning characterized by double vision, paralysis, and occasionally death. The organism is an anaerobic spore-forming bacteria that produces a potent neurotoxin. The spores are ubiquitous in nature, relatively heat-resistant, and can survive most minimal heat treatments that destroy vegetative cells. Certain strains of *C. botulinum* (type E and non-proteolytic types B and F), which have been primarily associated with fish, are psychrotrophic and can grow and produce toxin at temperatures as low as 3.3°C (38°F). Other strains of *C. botulinum* (type A and proteolytic types B and F) can grow and produce toxin at temperatures slightly above 10°C (50°F). If present, *C. botulinum* could potentially grow and render toxigenic a food packaged and held in ROP because most other competing organisms are inhibited by ROP. Therefore, the food could be toxic yet appear organoleptically acceptable. This is particularly true of psychrotrophic strains of *C. botulinum* that do not produce tell-tale proteolytic enzymes. Because botulism is potentially deadly, foods held in anaerobic conditions merit regulatory concern and vigilance.

The potential for botulism toxin to develop also exists when ROP is used after heat treatments such as pasteurization, or sous vide, processing of foods which will not destroy the spores of *C. botulinum*. Mild heat treatments in combination with ROP may actually select for *C. botulinum* by killing off its competitors. If the applied heat treatment does not produce commercial sterility, the food requires refrigeration to prevent spoilage and ensure product safety. For this reason, sous vide products are frequently flash frozen in liquid nitrogen and held in frozen storage until use.

There is a further microbial concern with ROP at retail. Processed products such as meats and cheeses which have undergone an adequate cooking step to kill *L. monocytogenes* can be contaminated when opened, sliced, and repackaged at retail. Thus, a simple packaging or repackaging operation can present an opportunity for recontamination with pathogens if strict sanitary safeguards are not in place.

Processors of products using ROP should be cautious if they plan to rely on refrigeration as the sole barrier that ensures product safety. This approach requires very rigorous temperature controls and monitored refrigeration equipment. If extended shelf life is sought, a temperature of 3.3°C (38°F) or lower must be maintained at all times to prevent outgrowth of *C. botulinum* and the subsequent production of toxin. *Listeria monocytogenes* can grow at even lower temperatures; consequently, appropriate use-by dates must be established and readily apparent to the consumer. Since refrigeration alone does not guarantee safety from pathogenic microorganisms, additional growth barriers must be provided. Growth barriers are provided by hurdles such as low pH, a_w, or short shelf life, and constant monitoring of the temperature. Any



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3-502.12 Reduced Oxygen Packaging, Criteria.*

- 1. (D) Except as specified under ¶ (C) of this section, a FOOD ESTABLISHMENT may package FOOD using a cook-chill or sous vide process without obtaining a VARIANCE if:
 - 1. (1) The FOOD ESTABLISHMENT implements a HACCP PLAN that contains the information as specified under \P 8-201.14(D);
 - 2. (2) *The* FOOD *is*:
 - 1. (a) Prepared and consumed on the PREMISES, or prepared and consumed off the PREMISES but within the same business entity with no distribution or sale of the bagged product to another business entity or the CONSUMER,
 - 2. (b) Cooked to heat all parts of the FOOD to a temperature and for a time as specified under § 3-401.11,
 - 3. (c) Protected from contamination after cooking as specified under Part 3-4,
 - 4. (d) Placed in a package or bag with an oxygen barrier and sealed before cooking, or placed in a PACKAGE or bag and sealed immediately after cooking, and before reaching a temperature below 57°C (135°F),
 - 5. (e.) Cooled to 5°C (41°F) in the sealed PACKAGE or bag as specified under §3-501.14, and subsequently:
 - 1. (i) Cooled to 1°C (34°F) within 48 hours of reaching 5°C (41°F) and held at that temperature until consumed or discarded within 30 days after the date of preparation;
 - 2. (ii) Cooled to 1°C (34°F) within 48 hours of reaching 5°C (41°F), removed from refrigeration equipment that maintains a 1°C (34°F) food temperature and then held at 5°C (41°F) or less for no more than 72 hours, at which time the FOOD must be consumed or discarded;
 - 3. (iii) Cooled to 3°C (38°F) or less within 24 hours of reaching 5°C (41°F) and held there for no more than 72 hours from packaging, at which time the food must be consumed or discarded; or
 - 4. (iv) Held frozen with no shelf life restriction while frozen until consumed or used.